

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00663-KBJ**

PETRILLO & POWELL, PLLC v. DEPARTMENT HEALTH
AND HUMAN SERVICES

Assigned to: Judge Ketanji Brown Jackson

Cause: 05:552 Freedom of Information Act

Date Filed: 04/14/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

PETRILLO & POWELL, PLLC

represented by **Joseph J. Petrillo**
PETRILLO & POWELL, PLLC
5335 Wisconsin Avenue, NW
Suite 440
Washington, DC 20015
(202) 887-0405
Email: jp@petrillopowell.com
ATTORNEY TO BE NOTICED

V.

Defendant

**DEPARTMENT HEALTH AND
HUMAN SERVICES**

represented by **Paul Cirino**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2529
Fax: (202) 252-2599
Email: paul.cirino@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: joshua.kolsky@usdoj.gov
TERMINATED: 12/26/2018

Date Filed	#	Docket Text
04/14/2017	<u>1</u>	COMPLAINT against PETRILLO & POWELL, PLLC (Filing fee \$ 400 receipt number 0090-4914406) filed by PETRILLO & POWELL, PLLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Petrillo, Joseph) (Entered: 04/14/2017)
04/14/2017	<u>2</u>	CIVIL COVER SHEET by PETRILLO & POWELL, PLLC re <u>1</u> Complaint, filed by PETRILLO & POWELL, PLLC. Related document: <u>1</u> Complaint, filed by PETRILLO & POWELL, PLLC.(Petrillo, Joseph) (Entered: 04/14/2017)
04/14/2017		Case Assigned to Judge Ketanji Brown Jackson. (jd) (Entered: 04/17/2017)
04/17/2017	<u>3</u>	SUMMONS (4) Issued Electronically as to DEPARTMENT HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 04/17/2017)

04/17/2017	<u>4</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 4/17/2017. (lckbj1) (Entered: 04/17/2017)
04/28/2017	<u>5</u>	ENTERED IN ERROR. . . RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/24/2017. Answer due for ALL FEDERAL DEFENDANTS by 5/24/2017. (Petrillo, Joseph) Modified on 5/1/2017 (td). (Entered: 04/28/2017)
04/28/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/24/2017. Answer due for ALL FEDERAL DEFENDANTS by 5/24/2017. (Petrillo, Joseph) (Main Document 6 replaced on 5/1/2017) (ztd). (Entered: 04/28/2017)
04/28/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/24/2017. (Petrillo, Joseph) (Main Document 7 replaced on 5/1/2017) (ztd). (Entered: 04/28/2017)
04/28/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT HEALTH AND HUMAN SERVICES served on 4/20/2017 (Petrillo, Joseph) (Main Document 8 replaced on 5/1/2017) (ztd). (Entered: 04/28/2017)
04/28/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT HEALTH AND HUMAN SERVICES served on 4/21/2017 (Petrillo, Joseph) (Main Document 9 replaced on 5/1/2017) (ztd). (Entered: 04/28/2017)
05/01/2017		NOTICE OF CORRECTED DOCKET ENTRY: re <u>5</u> Summons Returned Executed in FOIA as to U.S. Attorney, was entered in error and counsel refiled said pleading as docket entry no. <u>6</u> . (td) (Entered: 05/01/2017)
05/24/2017	<u>10</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of DEPARTMENT HEALTH AND HUMAN SERVICES (Kolsky, Joshua) (Entered: 05/24/2017)
05/24/2017	<u>11</u>	Joint MOTION to Stay by DEPARTMENT HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 05/24/2017)
05/24/2017		MINUTE ORDER granting <u>11</u> Joint Motion to Stay. It is hereby ORDERED that this matter is is STAYED until further Order of this Court. It is FURTHER ORDERED that the parties shall file a joint status report on or before 7/24/2017, and every sixty days thereafter, informing the Court of the status of Defendants document productions, and a further joint status report within thirty days after the completion of the document production proposing, if necessary, a schedule for further litigation of this case. Signed by Judge Ketanji Brown Jackson on 05/24/2017. (lckbj1) (Entered: 05/24/2017)
07/24/2017	<u>12</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 07/24/2017)
09/22/2017	<u>13</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 09/22/2017)
11/21/2017	<u>14</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 11/21/2017)
01/22/2018	<u>15</u>	Unopposed MOTION to Stay <i>In Light of Lapse of Appropriations</i> by DEPARTMENT HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 01/22/2018)
01/22/2018		MINUTE ORDER granting <u>15</u> Unopposed Motion to Stay in light of lapse of appropriations. For good cause shown, it is hereby ORDERED that this case is STAYED. Counsel for Defendant will notify the Court as soon as Congress has appropriated funds; at that point, the Court will enter an order resetting the applicable deadlines, which will be extended day-for-day with the duration of the lapse in appropriations. Signed by Judge Ketanji Brown Jackson on 1/22/2018. (lckbj1) (Entered: 01/22/2018)

01/23/2018	<u>16</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 01/23/2018)
01/26/2018		MINUTE ORDER. In light of the parties' representations in their <u>16</u> Joint Status Report regarding Congressional appropriations, it is hereby ORDERED that the Stay in this matter is LIFTED. Signed by Judge Ketanji Brown Jackson on 1/26/2018. (lckbj1) (Entered: 01/26/2018)
03/26/2018	<u>17</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 03/26/2018)
05/25/2018	<u>18</u>	STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 05/25/2018)
07/25/2018	<u>19</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 07/25/2018)
09/24/2018	<u>20</u>	Joint STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 09/24/2018)
09/25/2018	<u>21</u>	SUPERSEDING GENERAL ORDER AND GUIDELINES FOR FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. This Order supersedes this Courts prior <u>4</u> General Order and Guidelines for Civil Cases. The Court will hold the parties and counsel responsible for following these amended directives, and parties and counsel should pay particular attention to the Court's instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 9/25/2018. (lckbj1) (Entered: 09/25/2018)
12/10/2018		MINUTE ORDER. On May 24, 2017, this Court ordered that the parties provide joint status reports every sixty days. (See Minute Order of May 24, 2017.) The parties have not filed a joint status report since September 24, 2018, which was seventy-seven days ago. Accordingly, it is hereby ORDERED that the parties shall file a status report on or before December 21, 2018. Signed by Judge Ketanji Brown Jackson on 12/10/2018. (lckbj3) (Entered: 12/10/2018)
12/10/2018		Set/Reset Deadlines: Joint Status Report due by 12/21/2018. (gdf) (Entered: 12/11/2018)
12/21/2018	<u>22</u>	STATUS REPORT by DEPARTMENT HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 12/21/2018)
12/26/2018	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of DEPARTMENT HEALTH AND HUMAN SERVICES Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/26/2018)
01/22/2019	<u>24</u>	Unopposed MOTION to Stay <i>Proceedings in Light of Lapse in Appropriations</i> by DEPARTMENT HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 01/22/2019)
01/22/2019		MINUTE ORDER granting <u>24</u> Unopposed Motion to Stay in light of lapse of appropriations. For good cause shown, it is hereby ORDERED that this case is STAYED. Counsel for Defendant shall notify the Court as soon as Congress has appropriated funds; at that point, the Court will enter an order resetting the applicable deadlines, which will be extended day-for-day with the duration of the lapse in appropriations. Signed by Judge Ketanji Brown Jackson on 1/22/2019. (lckbj1) (Entered: 01/22/2019)
01/29/2019	<u>25</u>	NOTICE of Restored Government Funding by DEPARTMENT HEALTH AND HUMAN SERVICES (Cirino, Paul) (Entered: 01/29/2019)
01/29/2019		MINUTE ORDER. Defendant has provided notice that that an appropriations act providing funding to the Department of Justice for a three-week period of time was enacted on January 25, 2019 (ECF No. <u>25</u> .) Accordingly, it is hereby ORDERED that the stay in this matter is lifted, and that on or before 2/15/2019, the parties shall file a joint status report, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 1/29/2019. (lckbj1) (Entered: 01/29/2019)